UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE COLUMBIA DIVISION

BOBBY JOE ROLLINS]	
Plaintiff,]	•
]	$1 07 \cdot 0069$
v.]	No.
]	JUDGE HAYNES
JUDGE ROBERT CRIGLER, et al.]	
Defendants.	j	

MEMORANDUM

Plaintiff, a pre-trial detainee at the Marshall County Jail in Lewisburg, Tennessee, filed this <u>pro se</u> action under 42 U.S.C. § 1983 against the Defendants: Robert Crigler, a Judge in Marshall County, and Edward Barnard, a prosecutor in Marshall County, seeking his release from custody and damages. Plaintiff has been confined awaiting trial on a state robbery charge for the last nine months. Plaintiff asserts that "I don't think I did this an[d] want to go home now."

To state a Section 1983 claim for an allegedly unconstitutional confinement, the Plaintiff must plead that his conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court's issuance of a writ of habeas corpus. Heck v. Humphrey, 512 U.S. 477, 486 (1994). Given the Plaintiff's status as a pre-trial detainee, he has not yet had an opportunity to test the

validity of his confinement in either a state or federal court. Therefore, the Plaintiff's claims are not yet cognizable in a \$ 1983 action.

Accordingly, this complaint fails to state a claim for relief at this time.

An appropriate order will be entered.

ILLIAM J. (HAMNES)

United States District Judge